

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

February 17, 2015
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Calvin, Council Members Ron Christianson, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, Audrey Nelsen and Tim Johnson; Present 8, Absent 1. Council Member Andrew Plowman was excused from the meeting.

Also present were City Administrator Charlene Stevens, City Clerk Kevin Halliday, Police Chief Jim Felt, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, City Attorney Robert Scott, and uniformed Police Officer Dan Erickson.

There were no additions or deletions to the agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 2, Municipal Utilities Commission Minutes of February 9, Application for Exempt Permit – Willmar Sertoma Club, Application for Exempt Permit – West Central Ducks Unlimited, Accounts Payable through February 11, Willmar Police Commission Minutes of December 11, Building Inspection Report for January, and CER Joint Powers Board Minutes of January 23, 2015. Council Member Fagerlie seconded the motion, which carried.

At 7:01 p.m. Mayor Calvin opened a hearing to consider an ordinance to convey city-owned property. Planning and Development Services Director Bruce Peterson explained the request of Rice Hospital to sell the Rehab Building to CDS Investments, LLC. The title review shows the property is owned by the City of Willmar, and based on the City Charter the Council is required to adopt an ordinance to convey the land and sign the purchase agreement. The land sale was approved by the Planning Commission in January. It was staff's recommendation to approve the property conveyance. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:02 p.m.

The Council questioned the lease back of the property from CDS Investments until the new Rehab Center is constructed. Bill Fenske of Rice Hospital addressed the lease stating the hospital proposed selling the property at the time the building is vacated, but the buyer was not interested. The lease would run until the end of 2016 or terminate upon a 60-day notice. This now allows the hospital more flexibility. The buyer wanted control of the property and is paying the current market rate.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance to Convey City-Owned Property. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 5, Noes 1, and Council Member Christianson abstained.

At 7:11 p.m. Mayor Calvin opened a hearing to vacate a portion of 3rd Street SW between Trott Avenue and Minnesota Avenue. Planning and Development Services Director Bruce Peterson explained the street has been closed to through traffic for over ten years. The Planning Commission has approved the street vacation and it is staff's recommendation to approve as well. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:13 p.m.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

Vacating a Portion of a Public Street Right-of-Way

Whereas, the vacation of those portions of dedicated street as described below was petitioned for by Rice Memorial Hospital and Shared Health Resources, LLC. :

Beginning at the Southeast (SE) corner of Lot 7, Block 64 of the First Addition to the Town (now City) of Willmar, and continuing on a line extended from the south border of Lot 7, Block 64 of the First Addition to the Town (now City) of Willmar, to the Southwest (SW) corner of Lot 8, Block 65 of the First Addition to the Town (now City) of Willmar, thence northerly along a line extended from the West border of Lot 8, Block 65 of the First Addition to the Town (now City) of Willmar to the Northwest (NW) corner of Lot 14, Block 65 of the First Addition to the Town (now City) of Willmar, thence Westerly on a line extended from the north border of Lot 14, Block 65 of the First Addition to the Town (now City) of Willmar to the Northeast (NE) corner of Lot 1, Block 64 of the First Addition to the Town (now City) of Willmar, thence Southerly on a line extended from the east border of Lot 1, Block 64 of the First Addition to the Town (now City) of Willmar to the point of beginning. All in the City of Willmar, County of Kandiyohi.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on February 17, 2015; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said street;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated street be, and hereby, is vacated.

BE IT FURTHER RESOLVED, that an easement for utilities purposes shall be retained by the City over the entire vacated right-of-way.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after February 24, 2015.

Dated this 17th day of February, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Mayor Calvin acknowledged Sara Carlson, 1115 Carolina Avenue, to speak at Open Forum. Ms. Carlson spoke in support of the proposed Park Plan and encouraged the Council to move forward with this bold, strategic plan.

Dave Baumgart, 704 Richland Avenue, was acknowledged by Mayor Calvin to speak at the Open Forum. Mr. Baumgart spoke urging the Council to support the proposed Park Plan stating it was a good opportunity to improve our parks.

Mayor Calvin then acknowledged Steve Gardner, 2645 19th Avenue SW. He spoke in support of the Park Plan and hopefully the opportunity for a Dog Park. This Park Plan provides the types of amenities that are going to help attract people to live in Willmar.

Community Education and Recreation Director Steve Brisendine came before the Council to present the second phase of the Park Plan. The first phase began over two years ago and was developed by staff and others in conjunction with Mid-Minnesota Development Commission. The City Council approved moving forward and entered into an agreement with SRF Consulting Group of Minneapolis. The plan that has been developed will serve as a blueprint for future investments in the City's park system.

Ken Grieshaber and Stewart Crosby, both of SRF Consulting Group, LLC, presented the second phase of the Park Plan to the Council, which included a PowerPoint. The 63-page plan was developed after discussions were held last year with the public at focus group meetings, workshops and a community open house. The plan discusses system-wide planning and park facilities; proposes establishing two regional parks and four community parks; discusses park maintenance; and implementation, budgeting, funding and cost estimates. The plan reaches to the future with vision, innovation and sustainable ideas and will provide safe and relevant amenities that will draw more users to the parks, create places that families and groups will want to visit and will make Willmar a more attractive community for future residents. Updating the park system will strengthen Willmar's role as a regional center for business, culture and services.

The consultants stated Willmar's 37 parks are well used and maintained, but need updating. According to Park staff, 80 percent of the playground equipment is over 20 years old. There are aging buildings, and some facilities and play equipment have reached the end of their useful life. The two regional parks would be Robbins Island and Swansson Field. Each regional park would include several smaller parks. The four community parks would be Lincoln, Northside, Ramblewood and Rice.

The improvement costs for the proposed concepts are estimated at \$22,235,000. This overall cost estimate is useful for planning purposes, but is it probable that each park will be develop over an extended period of time contingent on funding. The plan also touched on the use of multiple funding mechanisms such as seeking grants from the Department of Natural Resources, community partners, civic groups, foundations and even private individuals. The City may also look at park dedications, the use of general funds or local option taxation as well as capital improvement allotments over five to ten years. It was staff's recommendation to accept Phase 2 of the Park Plan and make it an addendum to the City's Comprehensive Plan.

The Council discussed funding possibilities and also the impact the park improvements would have on maintenance and staffing levels as the plan is developed. Also mentioned was the joint effort between the School District and the City that will be necessary to implement this plan. Park maintenance and operations was overviewed. The consultant was asked to speak on how Willmar compared to other cities of similar size in relation to staffing, capital dollars designated, number and acres of parks. Community Education and Recreation Director Steve Brisendine announced that the complete Park Plan is available for the public to view on the City's website.

Council Member Fagerlie made a motion to accept Phase 2 of the Park Plan and incorporate it as an addendum to the City's Comprehensive Plan. Council Member Anderson seconded the motion, which carried.

Members of the Council discussed the motion after it was made with some members questioning placing the Park Plan as an addendum to the Comprehensive Plan. Staff members explained by adding the Park Plan to the Comprehensive Plan, it provides the ability to move forward to pursue grant dollars and any other funding resources that may be available.

The Finance Committee Report for February 9, 2015 was presented to the Mayor and Council by Council Member Anderson. There were eight items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 MUC General Manager Wes Hompe and Finance Director Tim Hunstad presented to the Committee the MUC Cost of Service and Rate Design Study, as well as reviewed the process necessary to enact the rate increase.

The Cost of Service and Rate Design Study was previously distributed to the City Council and can be found electronically in the Council agenda materials.

The Committee recommended setting public hearings for both rate increases for March 2, 2015, Council Member Anderson made a motion to set a public hearing for the water rate increase for March 2, 2015 at 7:02 p.m. Council Member Fagerlie seconded the motion, which carried.

Council Member Anderson then made a motion to set a public hearing for the electric rate increase for March 2, 2015 at 7:03 p.m. Council Member Fagerlie seconded the motion, which carried.

Item No. 3 Staff explained to the Committee the City of Willmar takes possession of forfeiture vehicles pursuant to District Court orders. The City Clerk's Office takes steps necessary to secure ownership of the asset and subsequently prepares to dispose of the asset at a City auction. Attached are the last four year's distribution details of the successful sales. The Willmar Police Department receives 70% of the net sales (-5% admin/advertising and -5% for the auctioneer) in all cases. The prosecuting attorney (City and County) receives either the remaining 30% or 20% if State Statute requires a 10% payment to the State Treasury and credited to the general fund. The proceeds forwarded to the prosecuting authority that handled the forfeiture must be "used as a supplement to its operating fund or similar fund for prosecutorial purposes." This matter was received for information only.

Item No. 4 Staff explained to the Committee that in 2014, the Legislature passed into law the Volunteer Retention Stipend Aid Pilot Program whereby an annual stipend will be allotted to volunteer fire fighters and first responders to assist with recruitment and retention efforts. Willmar has been selected to be included in this pilot program. Volunteers who serve from January 1 to December 31, 2014, 2015, and 2016 will receive a payment of \$500 for each year in service.

As part of this program, The City is required to document its effectiveness in recruitment and retaining of volunteer staff to help ensure it is expanded statewide in three years. The three year funding to assist with recruitment and retention of volunteers for the Fire Department is: \$17,500 / 2015, \$20,000 / 2016-2017. The Committee recommended the Council increase the Fire Department budget by \$17,500.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Fire Department budget within the General fund:

Increase:	State Aid	\$ 17,500.00
Increase:	Temporary Salaries	\$ 17,500.00

Dated this 17th day of February, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff introduced to the Committee a resolution to approve the recommended preliminary budget for the Westwood Court Lift Station Project. The lift station replacement is scheduled in the City's Wastewater Study that has been approved by the Council in previous years. It was the recommendation of the Committee to approve the Preliminary Budget for the Westwood Court Lift Station Project of \$1,140,000.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 3

Preliminary Budget Westwood Court Lift Station

OTHER SERVICES:		RECEIVABLES:	
Mtce. of Other Impr.	<u>\$950,000.00</u>	City ('15 Collections 46)	\$190,000.00
TOTAL	\$950,000.00	City ('16 Capital)	<u>\$950,000.00</u>
		TOTAL	\$1,140,000.00
OTHER CHARGES:		FINANCING:	
Prof. Serv.	<u>\$190,000.00</u>	Bonds	<u>\$1,140,000.00</u>
TOTAL	\$190,000.00	TOTAL	\$1,140,000.00
GRAND TOTAL		\$1,140,000.00	

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Prior to incurring costs on the Westwood Court Lift Station project, it is necessary that the Council adopt a Resolution of Intent to Reimburse. This will insure that the City will be reimbursed for project costs after the date of the resolution. It was Committee's recommendation to adopt the resolution to reimburse for \$1,140,000.00 insuring that project costs are covered by the bond issue.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 4

RESOLUTION ESTABLISHING PROCEDURES
RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND
REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 7 The City Council and Finance Committee have handled past departmental budgetary adjustments in one of two ways, either at the time of known adjustments or at the end of the year when unaudited numbers are available, normally the first part of March. Previous audits have indicated both are acceptable and need to be determined by the City Council. Adjustment alternatives have consisted of the following:

- A. Appropriation of new revenues
- B. Appropriating revenue surpluses
- C. Covering with available appropriations (i.e. vacant positions from other departments)
- D. Appropriation of assigned Emergency Fund balances

The City Council and Finance Committee should decide and direct staff as to the method of handling budget adjustments, and will be addressing this matter further at their March meeting. This was received by the Council for information only.

The Legal Department overage was discussed at length and staff explained the annual costs for 2014 were \$81,500 over budget due to more than anticipated costs for Labor contracts, personnel issues for the Police Commission, and Cable Access franchise work. Legal costs in 2013 were \$263,434 and 2012 were \$235,564. A three-year history of the legal fees was dispersed to the members of the Council for information at the Council meeting. This report was received for information only.

Item No. 8 The Committee reviewed and directed staff to place the following reports on file in the Finance Department. These were received for information only.

- A. October Rice Trust
- B. November General Fund Departmental Report
- C. November Rice Trust
- D. 4th Quarter Investment Activity
- E. December 31, Investment Portfolio
- F. 10 Year Investment/Cash Quarterly Balances
- G. 2014 Interest by Institution
- H. 10 Year Interest Quarterly Earnings
- I. 4th Quarter Rice Trust Activity
- J. Preliminary 2014 General Fund Year End Summary Totals

There was no old or new business to come before the Committee.

Council Member Ahmann made the suggestion for the Finance Committee to consider a reviewing the account overages every three-months by department.

The Finance Committee Report for February 9, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for February 10, 2015 was presented to the Mayor and Council by Council Member Christianson. There were eleven items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 Police Chief Jim Felt noted the jail census for February 10, 2015 was 123; 43 inmates from the Department of Corrections, 1 inmate from Stearns County, and 2 inmates from Swift County. The calls for service for the previous two weeks totaled 701. The majority of the calls were for traffic stops, followed by public assists and abandoned vehicles. An update was given on the new K9 dog Axel, noting he has started narcotic training last week with his handler, Officer Chris Flatten. This was received for information only.

Item No. 3 Public Works Director Sean Christensen presented a recommendation to amend the contract with Bolton & Menk, Inc. in the amount of \$31,230.00 for the Country Club Drive Lift Station. The amendment includes additional compensation for the design of a block control structure rather than using a control panel, providing construction survey staking, and construction material testing. Jared Voge with Bolton & Menk described the types of testing as compaction, concrete and soil testing. The Committee recommended the Council approve Amendment No. 1 to the Bolton & Menk, Inc. contract for the Country Club Lift Station project in the amount of \$31,230.00.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract between the City of Willmar and Bolton & Menk, Inc. for City Project 1510, Country Club Drive Lift Station. The amendment increases the contract amount by \$31,230.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 4 Public Works Director Christensen presented a recommendation to award the contract for the professional services of Project No. 1501-B to Bolton & Menk, Inc. in the amount of \$239,000.00 and authorize the Mayor and City Administrator to execute the agreement on behalf of the City. The estimated fees are for the design, materials testing and construction services for the reconstruction of 9th Street NW, Park Avenue NW, and 10th Street NW. The total estimated fees are not to exceed \$239,000.00 and based on an hourly rate of services provided.

The Committee recommended to award the professional services contract for Project No. 1501-B to Bolton & Menk, Inc. in the amount of \$239,000.00 and to authorize the Mayor and City Administrator to execute an agreement on behalf of the City.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 6

Whereas the City of Willmar desires to retain a firm to design, bid and provide construction services for City Project No. 1501-B, 9th Street NW, Park Avenue NW, and 10th Street NW; and

Whereas a proposal has been made by the firm of Bolton and Menk, Inc. on an hourly basis at an estimated cost of \$239,000.00;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Public Works Director Christensen brought forth, for review, to accept the quote from Excel Overhead door for the replacement of the garage doors at the Public Works Garage. Quotes were received from American Door Works in the amount of \$14,807.07 and Excel Overhead Door in the amount of \$12,400.00. The doors provided by Excel Overhead Door have an R factor value of 17.54. It was the Committee's recommendation to the Council to approve the purchase and replacement of the Public Works Facility garage doors by Excel Overhead Door in the amount of \$12,400.00.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 7

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of Excel Overhead Door of Willmar, Minnesota for the garage doors replacement of the Public Works Garage is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the contractor for the terms and consideration of the contract in the amount not to exceed \$12,400.00.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Public Works Director Christensen brought forth, for approval, the request to purchase/replace the current 2005 Toro Sand Pro with a 2015 Jacobsen Groom Master. The total cost of the equipment totals \$23,026.00 through the National Joint Powers Alliance with Turfwerks in Eagan. Currently there are two of these units in use by the City, and the 2005 Toro unit has 1,042 hours and visible wear and tear. The Public Works Department uses this equipment for field preparation at softball and baseball games in various parks as well as for Stingers games. The current unit will be sold on the City auction, with schools and baseball booster clubs notified for interest of purchasing it.

The Committee was recommending the Council approve the purchase and replacement of the Sand Pro with a 2015 Jacobsen Groom Master in the amount of \$23,026.00 from Turfwerks in Eagan.

Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 8

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the purchase of 2015 Jacobsen Groom Master is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$23,026.00.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 7 Public Works Director Christensen brought forth, for approval, acceptance of Project No. 1302-B and to authorize final payment to Kuechle Underground, Inc. in the amount of \$25,081.07. The City Council entered into an agreement with Kuechle Underground, Inc. on July 15, 2013 for the 4th Avenue SW improvements. The final pay request has been submitted and staff is recommending final payment be made. It was the Committee's recommendation to accept Project No. 1302-B and authorize final payment to Kuechle Underground, Inc. in the amount of \$25,081.07.

Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 9

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1302-B

CONTRACTOR:	Kuechle Underground, Inc.
DATE OF CONTRACT:	July 15, 2013
BEGIN WORK:	September 15, 2013
COMPLETE WORK:	November 7, 2014
APPROVE, ENGINEERING DEPT:	December 12, 2014

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1302-B be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$513,618.02
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$513,618.02
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$415,133.30
Less Previous Payments	\$390,052.23
FINAL PAYMENT DUE CONTRACTOR:	\$25,081.07

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 8 Public Works Director Christensen brought forth, for approval, Amendment No. 1 to the Bolton & Menk, Inc. contract for the Willmar Avenue improvements project. When the contract was developed, the estimated cost was \$675,000 and after modifications by Kandiyohi County and the BNSF the project cost increased. A significant delay occurred with BNSF to finalize the agreement and also scheduling delays for constructing the crossing. The original construction duration was estimated at eight weeks, with the actual duration totaling 16 months for completion. As a result of these factors, Bolton & Menk, Inc. is requesting a contract amendment in the amount of \$15,000 for engineering services. The Committee was recommending the Council approve Amendment No. 1 to the Bolton & Menk, Inc. contract for the Willmar Avenue improvements in the amount of \$15,000.

Jared Voge of Bolton & Menk came before the Council to give a history of why the quiet-zone crossing project was not completed in the time it was originally estimated to. He explained the extra costs were due to negotiations with BNSF on the agreement and installation of the improvements. Both resulted in the delay.

Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 10

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Administrator of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract between the City of Willmar and Bolton & Menk, Inc. for City Project 1302-A, Willmar Avenue Improvements. The amendment increases the contract amount by \$15,000.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 9 Public Works Director Christensen brought forth, for approval, Change Order No. 1 in the amount of \$1,262.83 to Project No. 1303-A and requested authorization for final payment to Duininck, Inc. in the amount of \$15,977.65. The City Council entered into an agreement with Duininck, Inc. on May 9, 2013 for the street improvements to Trott Avenue SW, 23rd Street SW, and TH No. 12. Staff noted additional wearing course was needed, resulting in Change Order No. 1. The final pay request has been submitted and staff is recommending final payment be made.

It was the recommendation of the Committee to approve Change Order No. 1 in the amount of \$1,262.83, accept Project No. 1303-A and authorize final payment to Duininck, Inc. in the amount of \$15,977.65.

Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 11

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1303-A – Mill and Overlay

CONTRACTOR:	Duininck Inc.
DATE OF CONTRACT:	May 9, 2013
BEGIN WORK:	June 6, 2013
COMPLETE WORK:	October 1, 2013
APPROVE, ENGINEERING DEPT:	June 18, 2014

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1303-A, including approval of Change Order No. 1, be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$283,681.51
Change Order No. 1	\$ 1,262.83
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$284,944.34
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$284,944.34
Less Previous Payments	\$268,966.69
 FINAL PAYMENT DUE CONTRACTOR:	 \$15,977.65

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 10 Under Old Business the Committee discussed the previously proposed crosswalk addition at the Community Christian School on 19th Avenue SW. This was for information only.

Item No. 11 Under New Business the Committee discussed the meeting at MnDOT for the railroad bypass project; including information on the Tiger grant, plans and calendar items. The topic of fall leaf pick up services was discussed, with questions of fees and ways to pick up the leaves if implemented. The idea of snow melting machines, such as the ones used in the City of Boston, was brought to the Committee as a possible idea for disposing of snow in the future. The idea of salt free water softeners being used to help resolve the issue of salty discharge was debated. The progress of the Welcome to Willmar sign on North Highway 71 was noted, with the prospect of a new sign design being used. The status of the Assistant City Engineer vacancy was discussed, as the job description is under review at this time. The quality of water from the Crow River Water Shed was questioned, along with the Storm Water Task Force's ideas for stormwater control. Staff continues to review the BARR report and have begun to implement some of the recommendations. These items were for information only.

The Public Works/Safety Committee Report for February 10, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Nelsen, and carried.

The Labor Relations Committee Report for February 11, 2015 was presented to the Mayor and Council by Council Member Ahmann. There were five items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 City Administrator Charlene Stevens explained to the Committee that she and Mayor Calvin have been in discussion with two potential facilitators for a Council Retreat or Planning Session(s). Regardless of who is selected, the plan is to hold shorter, two-hour planning sessions over one full day or day and one half retreat. The two-hour sessions could be held in conjunction with Council meetings or perhaps Committee meetings. The proposed focus is on Roles and Responsibilities, Procedure and Norms, Better Working Relationships and an understanding of what Long-range Planning is and the value it adds. Two proposals were received for consideration. Ms. Stevens stated that Bruce Miles of the Big River Group had been considered back in 2013 and Mark Deterding of Triune Leadership had been recommended by other businesses in the community, but that neither had actually worked with the City before.

Council Member Ahmann asked the Mayor if he wished to offer any further information. Mayor Calvin stated that traditionally the Mayor and Administrator have worked together to coordinate a Council retreat and he was looking for some feedback from the committee and it would also be discussed on the February 17th City Council agenda. Mayor Calvin stated that he thought it was important to include the one-on-one conversations prior to a retreat and respect Council Members' time with some shorter sessions before engaging in a day-long retreat.

There followed a lengthy discussion.

Council Member Ahmann stated it would be helpful to get ideas in advance and a neutral facilitator would be good.

Council Member Christianson stated that the Council and Mayor alone should go away for a retreat, a facilitator was not necessary, it should be held outside of the City of Willmar, that the previous retreat had not been productive and the issues were trust and respect, which the Council could resolve if they just "got in the locker room" together.

Council Member Nelsen stated she was willing to support the Mayor's suggestion of shorter sessions or a combination of shorter sessions and a day-long session. She also suggested there was a need for an outside facilitator, there was a need to focus on the fundamentals before working on a strategic plan.

Council Member Dokken expressed a desire to hold the retreat out of town, but to understand what we were doing and why and have documentation and focus on the new normal.

Council Member Ahmann stated that there appeared to be common ground on holding a retreat and having a neutral facilitator.

Mayor Calvin thanked the Council Members for their input and stated it would be discussed further as part of the Council meeting on February 17th. This was for information only.

Item No. 3 Chair Ahmann requested the appointment to Boards and Commissions be discussed. The relevant sections of the City Charter were brought before the Committee.

Council Member Ahmann asked if it would be possible for the Mayor to provide the candidate names and qualifications early to the Council, so that the Council had more time to review.

Mayor Calvin stated that he was following the City Charter and past practice, noting that in one instance he was not able to have the application materials until the night of the Council meeting, but he had spoken with two of the senior members of Council, including the Mayor Pro Temp before adding that

appointment to the agenda. Mayor Calvin stated it is his intent to have the candidates and their background information included with the Council documents that are sent and not bring them to the meeting directly.

Council Member Christianson stated that individuals should live in Willmar for at least 10 years before they would be considered for serving on a Board or Commission.

Council Member Nelsen stated that the process should be open to anyone in the community. This was for information only.

Mayor Calvin thanked the Council for their comments and stated he would take it under advisement.

Item No. 4 Council Member Christianson made a motion, seconded by Council Member Dokken to go into closed session pursuant to Minn. Stat. §13D.03 to discuss labor negotiation strategies. The meeting was closed at 5:37 p.m.

At this time, Mr. Okins excused himself from the meeting.

The meeting was reopened at 5:55 p.m. on a motion by Council Member Christianson, seconded by Council Member Dokken.

Item No. 5 Under Other Business Council Member Christianson raised the issue of issuing a Request for Proposal for City Attorney services. Council Member Christianson stated his concerns with travel costs and a preference for a local attorney.

Council Member Ahmann stated that he had spoken to the City Attorney and he would like to first offer them the opportunity to come out and discuss concerns with the committee and/or full Council.

Council Member Christianson raised the issue of Succession Planning and questioned if the Council needed to make a motion to proceed. Council Member Ahmann stated that a motion had been made at the previous meeting and that City staff were working to update the plan and asked the Administrator to develop a timeline for updating the plan. Council Member Christianson stated he thought there was an update to the plan in 2010 and Administrator Stevens stated she would look into the matter.

Mayor Calvin stated that it might be wise to consider the Human Resources position as staff needs assistance to complete such projects.

Council Member Christianson stated that the Council had previously voted to keep the current organizational structure.

Council Member Dokken asked the Mayor why he felt the position was needed.

Mayor Calvin stated that he felt the work load was divided up between too many staff persons and one person would bring great consistency to the organization; the position would provide a place for employees to resolve conflicts, would allow for study and analysis of pay structure, benefits and job descriptions and would ensure the City was in compliance with laws and hiring practices.

Council Member Christianson stated that it was an unnecessary expansion of government.

Council Member Nelsen stated that the City should be willing to look at efficiencies and how to best utilize positions, rather than always accept the status quo.

Council Member Dokken asked for an update on filling the Assessing positions. Ms. Stevens responded that staff was working to fill the position as outlined at the last Council meeting.

Council Member Christianson stated that the City should consider merging with Kandiyohi County.

Following the Labor Relations Minutes, Council Member Anderson commented that in the Fuhrman study a human resources staff person was planned to be shared with the Willmar Municipal Utilities. It was approved at one time.

The Labor Relations Committee Report for February 11, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Dokken, and carried.

The Community Development Committee Report for February 12, 2015 was presented to the Mayor and Council by Council Member Fagerlie. There were six items for consideration.

Item No. 1 There were no public comments.

Item No. 2 Staff presented a proposal by MinnWest Technology Campus that the City serve as the applicant for a DEED Business Development Infrastructure Grant to improve access to, and parking for, five buildings on the campus. Steve Salzer and Brian Bollig provided the details of the project. The campus is looking to construct a wider access road in front of five of the cottages/buildings. 210 parking spaces would be constructed along with the new street. There is a significant amount of infrastructure to work around, including old tunnels. The Business Development Infrastructure Grant program is available only for projects on public property. The CIC plat for the campus has been revised to show the new boundaries for the right-of-way and parking. It is being proposed that the City take ownership to the property and be the applicant for the grant. Similar to the MCROC project, the City would incur no cost as the grant match will be paid by MinnWest. Agreements would be put in place to deal with maintenance and liability. Staff was recommending approval of the project and that the Council adopt a resolution naming the City as the grant applicant.

Following discussion, the Committee recommended the Council adopt a resolution naming the City as the grant applicant and authorizing the Mayor and Administrator to execute grant documents on behalf of the City.

Resolution No. 12 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 12

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, as follows:

1. That the City of Willmar serve as the applicant for a Business Development Infrastructure Grant on behalf of MinnWest Technology Campus, and to serve as a conduit for, and administrator of, grant funds.
2. That the Mayor and Administrator be authorized to execute grant documents on behalf of the City.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

A second resolution was also required prior to submission of the forms for the grant. This resolution authorizes the City to act as the legal sponsor and allows the legal authority to apply for financial assistance.

Resolution No. 13 was introduced by Council Member Fagerlie, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 13
Local Government Resolution
Business Development Infrastructure Application

BE IT RESOLVED that the City of Willmar act as the legal sponsor for project(s) contained in the Business Development Infrastructure Application to be submitted prior to April 1, 2015 and that Mayor and City Administrator are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of City of Willmar.

BE IT FURTHER RESOLVED that City of Willmar has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that City of Willmar has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, City of Willmar may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that City of Willmar will the repay the grant if milestones are not realized by the completion date identified in the Application.

City of Willmar certifies that it will comply with all applicable laws, regulations, and rules of the Business Development Infrastructure Application.

NOW, THEREFORE BE IT RESOLVED that Mayor and City Administrator, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

Dated this 17th day of February, 2015

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 3 Staff presented a request to declare the fire damaged house at 3209 1st Avenue Northwest as unsafe. Building Official Kardell explained the level of damage to the Committee and stated that the structure was unsound and should be demolished. The unsafe building declaration by the City is a necessary step to receive funds from the insurance company to place in escrow to pay the costs of demolition and site remediation, should the owners not perform. The Committee's recommendation to the Council was to declare the house as unsafe as recommended by staff.

A motion was made by Council Member Fagerlie to approve declaration of the house at 3209 – 1st Avenue NW as unsafe. Council Member Christianson seconded the motion, which carried.

Item No. 4 Staff presented information about changes to the State Building Code, and stated which portions of the Code that are mandatory for the City to adopt. The last building code adopted by the State was in 2007. Significant changes have been made to the Code since that time. Some of the major changes include sprinkler systems in twin homes and single family homes over 4,500 square feet and changes to

energy requirements, including blower-door testing for new construction. It was noted that changes to the Fire Code would follow at a later date. That process would be driven by Fire Chief Hendrickson. The Committee questioned the position of the State mandating certain Code sections and whether or not there is any procedure available for the City to opt out. Staff responded by stating that the mandatory sections are just that, and that anything designated by the State as mandatory is required to be adopted by any jurisdiction that chooses to enforce the Code. The Committee was recommending to the Council to set a public hearing.

Council Member Fagerlie made a motion to set a public hearing on the ordinance to adopt the 2015 Building Code for 7:01 p.m., March 16, 2015. Council Member Christianson seconded the motion, which carried.

Item No. 5 There was no Old Business to come before the Committee.

Item No. 6 Under New Business staff provided brief updates on pending projects including industrial park prospects, housing, and the redevelopment of the former Erickson Building. A brief discussion about vacant buildings and delayed maintenance was also held. This was received for information only.

The Community Development Committee Report for February 12, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

City Clerk Kevin Halliday presented a request for consideration of a Civic Center Arena Special Event by On-Sale Liquor License. The Civic Center has rented space to the Willmar Curling Club who plans to hold a three-day Curling Bonspiel on March 13–15, 2015. The club desires to serve alcohol and is requesting the event permit using the Kandi Entertainment Center Inc. for this permit with on-site employee listed as Keith Pattison. It is staff's recommendation to approve the permit request.

Council Member Anderson made the motion to approve the request for the Special Event by On-Sale Liquor License. Council Member Ahmann seconded the motion, which was approved on a roll call vote of 7 Ayes, 0 Noes.

City Clerk Kevin Halliday brought before the Council an application from Willmar Downtown Development Inc., a non-profit organization, a request to provide alcohol at the "Hidden Treasures Downtown Dinner Tour" social event located at 313 SW 4th Street on March 26, 2015. A State approved One-day to Four-day Temporary On-Sale Liquor License is required. Staff has found all requirements to issue the license are in order and recommends approval.

Council Member Anderson made the motion to approve the request for the One-day to Four-day Temporary On-Sale Liquor License. Council Member Ahmann seconded the motion, which was approved on a roll call vote of 7 Ayes, 0 Noes.

City Administrator Charlene Stevens recapped her efforts in conjunction with Mayor Calvin to organize a Council Retreat and solicit the Requests for Proposals. The City received proposals from two firms to facilitate a Council Retreat or Planning Session(s). The first being from Bruce Miles of Big River Group, LLC and the other of Mark Deterding of Triune Leadership Services, LLC. Either firm can perform the work and facilitate day-long or shorter two-hour planning sessions. Ms. Steven's recommended the Council move forward and organize a retreat focusing on the two-hour sessions and in each case either facilitator chosen can initiate some individual sessions with each Council Member prior to allow each member to express their concerns or ideas to help create the agenda for the session(s).

Mayor Calvin addressed the Council and requested feedback. Mayor Calvin's recommendation was to use Mark Deterding to conduct the sessions with an end of March timeframe. He explained his desired outcome of the sessions including defining roles and responsibilities, establishing better communication and

then being able to develop a strategic plan. After some discussion, this was received by the Council for information.

City Administrator Charlene Stevens gave an update on the Vision 2040 events. She highlighted the upcoming activities of Vision 2040 to include the kickoff of the spring WeLEAD leadership conferences at the MinnWest Campus to take place on February 18th with the keynote speaker being Betsy Bonnema. The conference is open to the public with registration available at the door at a cost of \$11 which includes a lunch. The Robbins Island "Things to Do" group has scheduled a movie on the ice for Saturday, February 21st at 6:00 p.m. at the Civic Center Arena. There is no charge for this event. Also mentioned was a broadband survey being conducted by the Economic Development Commission initiated by Vision 2040. For more information on local events, you can visit their website at willmarlakesarea2040.com.

Mayor Calvin asked staff to share the response to a previous Open Forum question raised by a citizen concerning the spur track so the public can be made aware. Planning and Development Services Director Bruce Peterson shared information related to the proposed "Wye" Project on the west end of the City. There was some misinformation circulating on how the property would be obtained and who would benefit. The double track project will take rail service that comes into the City from the northwest, back the trains out to the southwest and would eliminate that by creating a loop at the west part of town and a switch would be installed to provide access in the future to our industrial park as it grows out to the west. The use of eminent domain will not be used by the City, but it may be used by the railroad.

Council Member Ahmann informed Mayor Calvin that he would like to be excused from the next Council meeting.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, February 23; Public Works/Safety, 4:45 p.m. at City Hall, February 24, 2015.

Mayor Calvin announced the "Save Our Tails" upcoming event for Saturday, February 27th in support of the Hawk Creek Animal Shelter.

City Clerk Kevin Halliday brought forward the date of April 20th for Board of Appeal and Equalization. Council Members were urged to attend and there are also training dates available prior to that for interested members.

There being no further business to come before the Council, the meeting adjourned at 9:30 p.m. upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL